ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 90 of the	)	RM-9096
Commission's Rules to Allocate the	)	ET Docket No. 98-95
5.850-5.925 GHz Band to the	)	
Mobile Service for	)	
Dedicated Short Range Communications	)	
of Intelligent Transportation Services	)	

To: The Commission

REPLY COMMENTS OF RESOUND CORPORATION

ReSound Corporation ("ReSound"), by its attorneys, hereby submits its reply to comments filed in response to the *Notice of Proposed Rulemaking* (the "*NPRM*")[1/] in the above-captioned proceeding.

I. The Comments Confirm that a 75 MHz Allocation for DSRC Uses Is Not Justified

In its initial comments, ReSound demonstrated that proponents of Dedicated Short Range Communications ("DSRC") uses have not justified an allocation of 75 MHz for such uses. Comments of ReSound, pp. 8-11. Other commenters confirm that an additional 75 MHz — over and above the existing 14 MHz of spectrum to be auctioned later this year for services that include DSRC — exceeds what is necessary and

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1/ FCC 98-119, released June 11, 1998.

sufficient to accommodate existing and proposed DSRC uses. *See* Comments of the American Radio Relay League (the "League"),[2] pp. 4-5; Comments of Motorola, pp. 3-4. As Motorola notes, an allocation of 50 MHz "would be consistent with the spectrum need as calculated in the technical report supporting the proposal" which the Commission relied upon when it issued the *NPRM*.[3] Furthermore, as both ReSound and Motorola have noted, that technical report was premised upon outdated bandwidth requirements and an incomplete standardization process. Comments of Motorola, p. 4; Comments of ReSound, p. 10. When technological advancements are taken into account and the standards process has been completed, DSRC spectrum needs are likely to be less than even the 50 MHz which DSRC proponents originally claimed would be sufficient. This is confirmed by the comments of Amtech, which notes the spectral efficiency of modulated backscatter systems already in use with DSRC applications, and states that 6 MHz channels will not be necessary for all DSRC applications. Comments of Amtech, pp. 4-6. In sum, a full 75 MHz has not been justified.

2/ *See* Comments of the League, p. 4 ("There are admittedly current, operational DSRC toll collection functions in the 902-928 MHz band, and the ITS national plan and architecture substantially incorporates use of existing communications infrastructure.").

3/ Comments of Motorola, p. 4 ("the spectrum need was determined to be 8 channels of 6 MHz each, or 48 MHz total").

II. Any Allocation of Spectrum for DSRC Uses Should Not Include the 5.850-5.875 Band

As stated in their Comments, ReSound and Motorola have developed a very low power, spectrally efficient technology to operate in the 5.850-5.875 GHz band, which is part of the allocation proposed in the *NPRM* for DSRC applications. Comments of ReSound, pp. 2-7; Comments of Motorola, pp. 5-7. In light of the public interest benefits offered by this technology, ReSound urges the Commission not to include the 5.850-5.875 GHz band in any allocation of spectrum for DSRC uses.

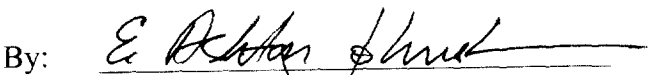
Should the Commission determine (contrary to the record with respect to existing and proposed DSRC uses) that an allocation of more than 50 MHz for DSRC is justified, the Commission should consider alternatives to the 5.850-5.875 MHz band. At least two commenters provide support for the proposition that DSRC spectrum needs can be accommodated, in whole or in part, in bands other than 5.850-5.925. In its Comments, Amtech asserts that "the existing unlicensed spread spectrum bands [*i.e.*, 5.725-5.825 GHz] could accommodate many DSRC applications and thereby largely obviate the need for unlicensed DSRC operations within the 5.850-5.925 GHz band." Comments of Amtech, pp. 7-8. According to Amtech, a change to the Commission's rules governing the 5.725-5.825 GHz band would be required; however, the requested change appears reasonable and is likely to serve the public interest by encouraging the sharing of spectrum for multiple applications and thereby reducing the need for dedicated spectrum. Alternatively, DSRC uses could be accommodated in the millimeter wave spectrum.

Comments of the League, pp. 5-7. In sum, ReSound agrees with the League that the Commission should carefully consider alternatives to the 5.8 GHz band before completing any DSRC allocation.

WHEREFORE, the foregoing premises duly considered, ReSound respectfully requests the Commission to adopt rules in this proceeding consistent with the comments and reply comments of ReSound.

Respectfully submitted,

RESOUND CORPORATION

By: 

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WDC-98649v1

CERTIFICATE OF SERVICE

I, Michelle A. Harris, a secretary with the law firm of Paul, Hastings, Janofsky & Walker LLP, hereby certify that I have on this 13th day of October, 1998, caused a true and correct copy of the foregoing Reply Comments of ReSound Corporation to be delivered by hand or first-class United States mail, postage prepaid, to the following:

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